

EXHIBIT 19

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11948-RGS

SEYED MOHSEN HOSSEINE-SEDEHY,)
Plaintiff)
)
vs.)
)
ERIN T. WITTINGTON and)
THE CITY OF BOSTON,)
Defendants)

DEPOSITION OF MOHSEN HOSSEINI, a
witness called on behalf of the Defendants,
pursuant to the Massachusetts Rules of Civil
Procedure, before Kelly G. Patterson, a
Notary Public in and for the Commonwealth of
Massachusetts, at the Law Department of City
Hall, Room 615, Boston, Massachusetts, on
Friday, October 14, 2005, commencing at
1:23 a.m.

1 later?

2 A. Two to three weeks later, because I remember

3 the first two weeks I was numb. My world

4 was crumbling. I was humiliated. I

5 couldn't look in my wife's eyes. Then it

6 hit me, how am I going to feed my family.

7 Q. Were you working at that time? Did you

8 return to work after the March 22, 2004

9 incident?

10 A. No, ma'am. I was not allowed to go back to

11 work by the company, because the company,

12 just like the court system, no matter if you

13 have 15 years of history with them,

14 considers you guilty until proven innocent,

15 and no matter the situation. So they have

16 to get their lawyers involved and everything

17 else. Later on they made a decision and

18 found out I was on the truth side to

19 actually pay me for sitting home.

20 Q. So were you being paid during the time you

21 were not working?

22 A. I was paid to sit home and contemplate for

23 two weeks.

24 Q. After two weeks, did you return to work?

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1 A. I was in New York, New Jersey to physically

2 work.

3 Q. To what?

4 A. Physically work, not sit on a couch and get

5 paid.

6 Q. Were you taking on the role of foreman in

7 New York and New Jersey?

8 A. Yes, ma'am. I went back to my

9 responsibilities.

10 Q. At what point was there follow-up in terms

11 of the March 22, 2004 incident? So after

12 that --

13 A. I remember I was in New Jersey, I traveled

14 once for one hearing. I traveled another

15 time for another one.

16 Q. So you went to two more hearings after that?

17 A. I want to say one for fact, which I was

18 facing the judge this way, and the second

19 time I was facing the judge that way. Right

20 way, left way. I'm sorry, ma'am, you're

21 typing. The nature of the beast, I'm not

22 going to block out of my memory, because

23 when they dismissed me, no one said I'm

24 sorry, and when I asked would this get taken

1 off of my record, they said no. Just put

2 yourself in my shoes. My son was born in

3 this country. Unlike me, he could become a

4 president of this country if he wanted to.

5 I don't even think he can become a counsel

6 person, because the politics of this

7 country, they use your dad and mom against

8 you. The dad has criminal record now.

9 Q. At what point did you find out your criminal

10 case had been dismissed?

11 A. I was in the courthouse with my lawyer in

12 the final day, which was a very long day,

13 also. District attorney couldn't make

14 decisions -- I'm sorry, I have blocked a lot

15 of things out. I don't know if I got the

16 answer through a letter -- no, I got the

17 answer by a phone call by my attorney

18 congratulating me.

19 Q. I don't want you to tell me about your

20 conversations with your attorney.

21 A. I know.

22 Q. I'm not asking your about that, because

23 those are privileged.

24 A. No, it wasn't in the courthouse that I found

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1 out, it was a phone call.

2 Q. That was sometime in June or July of 2004?

3 A. Yes, ma'am.

4 Q. During this time, did you have any -- you

5 had no interaction with Detective Schroeder?

6 A. Zero.

7 Q. At the time of the incident on March 22,

8 2004, how would you describe your

9 relationship with Mr. Bavis, Joe Bavis?

10 A. Joe Bavis came back to work in 2004 after

11 being away for a year and a half. The very

12 first day of work, which was the show prior

13 to the show that I was arrested, it was the

14 very first show of the year in Boston. The

15 way that I perform my duties is every person

16 is important and the group and the team is

17 crucial to the success of the way I run the

18 shows or my operation. So in the morning, I

19 say good morning to everyone, welcome

20 everyone, because as an hourly worker, you

21 have no clue what your life looks like, so I

22 try to explain to my guys, the Teamster's,

23 what their life is going to look like the

24 next few hours. "Hey guys, we're looking at

18 (Pages 66 to 69)

1 two eight-hour shifts. You're going to have
 2 a long shift on the third day. When the
 3 show is open, you're not going to see much
 4 work, and when the show is over, " --
 5 basically, give them the rundown. They
 6 appreciate that, because they can make
 7 appointments with their families or doctors.
 8 That morning, I started by welcoming back
 9 Joe Bavis. First of all, after I said hello
 10 to everyone, hope you all had a great
 11 holidays, because I had hadn't seen them
 12 since the holidays, even though I believe
 13 the first show was in February. I welcomed
 14 Joe Bavis back and then gave them the what
 15 their lives would look like the next few
 16 days. I did my safety speech, I do a safety
 17 speech every morning, how to operate
 18 machinery, in case of emergency, how to exit
 19 the building, where to meet after we exit
 20 the buildings, the whole work, and we went
 21 back to work. The very first show, Joe
 22 Bavis was very pleasant. He followed all of
 23 the instructions he was given. He used the
 24 word I'm here to do my business and I'm

1 the day of my arrest, Joe Bavis was present.
 2 He followed all my instructions. Once he
 3 was down away from the elevator, as we use
 4 elevators to off-load the equipment, when I
 5 asked "Joe, come on, buddy, you're killing
 6 me," that's my phrase "You're killing me,"
 7 "The guys at the dock are waiting. "I'm
 8 sorry, I was answering a phone call." Even
 9 then, no issue with Mr. Bavis.

10 Q. So during 2004, prior to your arrest, you
 11 had no incidents with Mr. Bavis?

12 MR. BUTLER: I object.

13 A. No, ma'am. I saw Mr. Bavis back in 2004.
 14 Between 2002 and 2004, he hadn't worked for
 15 us.

16 Q. When did he start working for you in 2004?
 17 A. The first show of the year, which I believe,
 18 again I have to consult the show schedule,
 19 the very first show that he did in the city
 20 of Boston in 2004. Joe Bavis is No. 11 on
 21 seniority, or was.

22 Q. Prior to that, Mr. Bavis had not been
 23 working since 2002?

24 A. That is correct, ma'am.

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1 going to do what I'm told. There was one of
 2 my Teamster's, Eddie Flaherty, who was upset
 3 about a seniority issue. One of the guys
 4 was getting ahead of him. I talked to Ed, I
 5 said "Hey, Ed, don't worry about it. Eight
 6 hours, I'll give you eight hours. It's not
 7 worth being upset about," and when I calmed
 8 him down he realized that he wasn't right,
 9 that I had followed the seniority, and he
 10 appreciated the fact that I took the time to
 11 speak to him.

12 Q. Sorry to interrupt, Mr. Hosseini.

13 A. I'm sorry.

14 Q. No, no, that's okay. I appreciate the
 15 details. I guess what I'm looking for, if
 16 you could describe your relationship with
 17 Mr. Bavis before the March 22, 2004
 18 incident. He was your coworker?

19 A. No, ma'am, they all work for me, even though
 20 I call them my coworkers, they all work for
 21 me. I tell them what to do, when to show
 22 up, when to go home, and his job was fine.
 23 He did a fine job during the
 24 installation/dismantle of the show. Even on

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1 Q. Because he was on disability?

2 A. Because he could not supply documentation
 3 that he is released.

4 Q. When he provided you with -- did he provide
 5 you with the medical letters?

6 A. No, ma'am. I was informed by the human
 7 relations safety manager in New Jersey that
 8 Mr. Bavis would be coming back to work.

9 Q. Had you had any role in his absence from
 10 work or in denying him the opportunity to
 11 work prior to 2004?

12 A. No, ma'am. I don't make those decisions.
 13 Those are the human relations decisions.

14 Q. Just bear with me for a moment.

15 A. No problem.

16 Q. Thank you. At any point, did you discuss
 17 with Mr. Bavis the allegations that he made
 18 against you?

19 A. Excuse me?

20 Q. At any point, did you discuss with Mr. Bavis
 21 the allegations regarding your arrest?

22 A. I've never seen Mr. Bavis since my arrest.

23 Q. So since March 22, 2004, you've never seen
 24 Mr. Bavis?

19 (Pages 70 to 73)